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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,029	03/30/2001	Hiroshi Tokumaru	FUR0017-US	5539

28970 7590 09/24/2004

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EXAMINER

BHATIA, AJAY M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/821,029	Applicant(s) TOKUMARU ET AL.	
	Examiner Ajay M Bhatia	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 25 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2143

1. Claims 1-18 are pending.
2. Claims 1-18 are rejected.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (U.S. Patent 5,727,159).

6. For claim 1, Kikinis teaches, a content server receiving an access by different types of terminal devices comprising:

content storage means, storing content; (see Kikinis, Col. 2 lines 48-53)

terminal identifying means, identifying whether or not the terminal device accessing thereto is controllable for transition from content to other content in accordance with description in the content received by the accessing terminal device; (see Kikinis, Col. 7 lines 13-20)

management information generating means, generating management information in accordance with content read out from the content storage means when the terminal

Art Unit: 2143

identifying means judges that the accessing terminal device is not controllable for the transition; and (see Kikinis, Col. 6 lines 36-48) transition control means, controlling transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 11-16)

7. For claim 2, Kikinis teaches, a program for realizing a content server receiving an access by different types of terminal devices with a computer, the content server comprising:

content storage means, storing content; (see Kikinis, Col. 2 lines 48-53)

terminal identifying means, identifying whether or not the terminal device accessing thereto is controllable for transition from content to other content in accordance with description in the content received by the accessing terminal device; (see Kikinis, Col. 7 lines 13-20)

management information generating means, generating management information in accordance with content read out from the content storage means when the terminal identifying means judges that the accessing terminal device is not controllable for the transition; and (see Kikinis, Col. 6 lines 36-48)

transition control means, controlling transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 11-16)

Art Unit: 2143

8. For claim 3, Kikinis teaches, a storage medium to store the program defined in claim 2. (see Kikinis, Col. 5 line 38)

9. For claim 4, Kikinis teaches, the content server of claim 1 wherein new management information is generated and previous information is discarded whenever the terminal device requires new content. (see Kikinis, Col. 7 lines 16-25)

10. For claim 6, Kikinis teaches, the content server of claim 1 wherein the management information generating means generates a session ID as a part of the management information whenever the terminal device accesses thereto. (see Kikinis, Col. 8 lines 63-67)

11. For claim 7, Kikinis teaches, the content server of claim 1 wherein the terminal identifying means identifies whether or not the terminal device accessing thereto is controllable for transition by identifying type of the terminal device. (see Kikinis, Col. 7 lines 13-25)

12. For claim 10, Kikinis teaches, the content server of claim 1 wherein the terminal identifying means identifies a size of content which can be stored temporarily at the terminal device for its display as well, and wherein the management information generating means divides the content in accordance with its size. (see Kikinis, Col. 7 lines 19-25)

Art Unit: 2143

13. For claim 11, Kikinis teaches, a content server receiving an access by different types of terminal devices comprising:

a content storage part for storing content; and (see Kikinis, Col. 2 lines 48-53)

a control part for controlling read out of content from the content storage part and transmission of the content; (see Kikinis, Col. 7 lines 13-25)

wherein the control part identifies whether or not the terminal device accessing thereto is controllable for transition from content to other content in accordance with description in the content received by the accessing terminal device, and generates management information in accordance with the content read out from the content storage part when the control part judges that the accessing terminal device is not controllable for the transition, and controls transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device.

(see Kikinis, Col. 6 lines 11-16 and lines 36-48)

14. For claim 12, Kikinis teaches, a program for realizing a content server receiving an access by different types of terminal devices with a computer, the content server comprising:

a content storage part for storing content; and (see Kikinis, Col. 2 lines 48-53)

a control part for controlling read out of content from the content storage part and transmission of the content; (see Kikinis, Col. 7 lines 13-25)

wherein the control part identifies whether or not the terminal device accessing thereto is controllable for transition from content to other content in accordance with description in the content received by the accessing terminal device, and generates management information in accordance with the content read out from the content storage part when the control part judges that the accessing terminal device is not controllable for the transition, and controls transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device.

(see Kikinis, Col. 6 lines 11-16 and lines 36-48)

15. For claim 13, Kikinis teaches, a storage medium to store the program defined in claim 12. (see Kikinis, Col. 5 line 38)

16. For claim 14, Kikinis teaches, a content server, wherein the content server temporary generates information for performing transition from content to other content as management information in accordance with description in content received thereby which is written in a self-descriptive language,

and wherein the content server controls transition of content to be transmitted to a terminal device according to the generated management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 29-36)

17. For claim 15, Kikinis teaches, a program for realizing the following processing by a computer, wherein the content server temporary generates information for performing transition from content to other content as management information in accordance with description in content received thereby which is written in a self-descriptive language,

and wherein the content server controls transition of content to be transmitted to a terminal device according to the generated management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 29-36)

18. For claim 16, Kikinis teaches, a storage medium to store the program defined in claim 15. (see Kikinis, Col. 5 line 38)

19. For claim 17, Kikinis teaches, the content server of claim 14 wherein the content server divides the content in accordance with a size of content which can be stored temporarily at the terminal device for its display. (see Kikinis, Col. 7 lines 19-25)

20. For claim 18, Kikinis teaches, a method of distributing content to different types of terminal devices, the method comprising the steps of:

storing the content; (see Kikinis, Col. 2 lines 48-53)

identifying whether or not the terminal device requesting content is controllable for transition from content to other content in accordance with description in the content received by the terminal device; (see Kikinis, Col. 7 lines 13-25)

transmitting the requested content with information for controlling the transition contained therein when the requested content is distributed to the terminal controllable for the transition; and (see Kikinis, Col. 6 lines 11-16)

managing transition from content to other content at an end of distributing the content when the requested content is distributed to the terminal uncontrollable for the transition. (see Kikinis, Col. 6 lines 36-48)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kikinis (U.S. Patent 5,727,159) and Li et al. (U.S. Patent 6,012,008, here after referred to as Li).

22. For claim 5, Kikinis teaches, a content server receiving an access by different types of terminal devices comprising:

content storage means, storing content; (see Kikinis, Col. 2 lines 48-53)

terminal identifying means, identifying whether or not the terminal device

accessing thereto is controllable for transition from content to other content in

Art Unit: 2143

accordance with description in the content received by the accessing terminal device;
(see Kikinis, Col. 7 lines 13-20)

management information generating means, generating management information in accordance with content read out from the content storage means when the terminal identifying means judges that the accessing terminal device is not controllable for the transition; and (see Kikinis, Col. 6 lines 36-48) transition control means, controlling transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 11-16)

Kikinis teaches fails to teach, the content server of claim 1 wherein the management information generating means generates non-response permissible information, for terminating communication between the server and the terminal device when no reply is received from the terminal device, as a part of the management information.

Li teaches, the content server of claim 1 wherein the management information generating means generates non-response permissible information, for terminating communication between the server and the terminal device when no reply is received from the terminal device, as a part of the management information. (see Li, Col. 20 lines 48-50)

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the server of Kikinis and the method of terminating communication of Li, because Li provides for Internet access devices to be shipped directly to a customer

Art Unit: 2143

without having to be manually configured first, which make it simpler when creating devices to interact with the server. (see Li, Col. 3 lines 27-33)

23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kikinis (U.S. Patent 5,727,159) and Camut et al. (U.S. Patent 6,684,257, here after referred to as Camut).

24. For claim 8, Kikinis teaches, a content server receiving an access by different types of terminal devices comprising:

content storage means, storing content; (see Kikinis, Col. 2 lines 48-53)

terminal identifying means, identifying whether or not the terminal device accessing thereto is controllable for transition from content to other content in accordance with description in the content received by the accessing terminal device; (see Kikinis, Col. 7 lines 13-20)

management information generating means, generating management information in accordance with content read out from the content storage means when the terminal identifying means judges that the accessing terminal device is not controllable for the transition; and (see Kikinis, Col. 6 lines 36-48) transition control means, controlling transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 11-16)

Additionally Kikinis teaches, the content server of claim 1 wherein the terminal identifying means identifies whether or not the terminal device accessing thereto is controllable for transition by identifying type of the terminal device. (see Kikinis, Col. 7 lines 13-25)

Kikinis fails to teach, the content server of claim 7 wherein the terminal identifying means performs the identification of controllability in accordance with a header of Hyper Text Transfer Protocol (HTTP) sent from the terminal device.

Camut teaches, the content server of claim 7 wherein the terminal identifying means performs the identification of controllability in accordance with a header of Hyper Text Transfer Protocol (HTTP) sent from the terminal device. (see Camut, Col. 7 lines 21-30)

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the server of Kikinis and the method of performing identification by Camut, because Camut provides the benefit of being able to test content that is formatted for different types of devices, which allow the user to test the quality of the content before it is released. (see Camut, Col. 3 lines 19-23, 30-35, and 40-50, and Col. 2 lines 27-58)

25. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kikinis (U.S. Patent 5,727,159) and Moshfeghi et al. (U.S. Patent 6,076,166, here after referred to as Moshfeghi).

26. For claim 9, Kikinis teaches, a content server receiving an access by different types of terminal devices comprising:

content storage means, storing content; (see Kikinis, Col. 2 lines 48-53)

terminal identifying means, identifying whether or not the terminal device accessing thereto is controllable for transition from content to other content in accordance with description in the content received by the accessing terminal device; (see Kikinis, Col. 7 lines 13-20)

management information generating means, generating management information in accordance with content read out from the content storage means when the terminal identifying means judges that the accessing terminal device is not controllable for the transition; and (see Kikinis, Col. 6 lines 36-48) transition control means, controlling transition of content to be transmitted to the terminal device according to the management information in response to a request from the terminal device. (see Kikinis, Col. 6 lines 11-16)

Additionally Kikinis teaches, the content server of claim 1 wherein the terminal identifying means identifies whether or not the terminal device accessing thereto is controllable for transition by identifying type of the terminal device. (see Kikinis, Col. 7 lines 13-25)

Kikinis fails to teach, the content server of claim 7 wherein the terminal identifying means performs the identification of controllability in accordance with an IP address sent from the terminal device.

Art Unit: 2143

Moshfeghi teaches, the content server of claim 7 wherein the terminal identifying means performs the identification of controllability in accordance with an IP address sent from the terminal device. (see Moshfeghi, Col. 4 lines 23-38)

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the server of Kikinis and the method of identifying the computer type and location from the IP address that Moshfeghi describes, because by identifying the location of the dynamically created web pages can be adapted to the physical room characteristics, improving the speed at which the user can read the content. (see Moshfeghi, Col. 1 lines 46-51)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is 703-605-4344. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


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